

Message

From: Otis, Andrew D. [aotis@curtis.com]
Sent: 9/17/2015 9:11:09 PM
To: Chalfant, Mark [Chalfant.Mark@epa.gov]
CC: Cirian, Mike [Cirian.Mike@epa.gov]; Wilder, Scott [Wilder.Scott@epa.gov]; John.Stroiazso@glencore-ca.com; Steve Wright - CFAC [swright@cfaluminum.com]; abaris@rouxinc.com
Subject: Anaconda/CFAC--CFAC Revised Redline AOC (as of 9/17/2015 7PM EDT)
Attachments: Col_Falls-CERCLA_AOC-RIFS_09-17-2015_CFAC.DOCX

Dear Mark,

Thank you for your helpful redline that was included with your email below. I have reviewed your redline and I attach to this email a revised AOC that responds to EPA's comments. Without repeating the comments in the attached document, I did want to draw your attention to CFAC's financial assurance proposal: CFAC proposes that Glencore Ltd, which is the parent company of Glencore USA LLC which owns the membership interests of CFAC (the appropriate name change is in the mark up), obtain an irrevocable letter of credit for the benefit of EPA in the amount of EPA's proposed financial assurance amount of four million dollars.

Please feel free to contact me if you have any questions or would like to discuss. I look forward to speaking with you and your team on Monday.

Best regards,

Andrew

From: Chalfant, Mark [mailto:Chalfant.Mark@epa.gov]
Sent: Wednesday, August 26, 2015 7:26 PM
To: Otis, Andrew D.
Cc: Cirian, Mike; Wilder, Scott; John.Stroiazso@glencore-ca.com; Steve Wright - CFAC; abaris@rouxinc.com
Subject: Anaconda/CFAC--EPA Revised Redline AOC (as of 8/26/2015 7PM EDT)

Mr. Otis:

I also wish to acknowledge the productive call yesterday. Thank you for continuing to work with EPA to narrow the list of outstanding items on the proposed AOC. We are pleased with the process being made on the proposed AOC.

Attached please find a revised redline version of the draft AOC, which incorporates the changes we discussed during yesterday's call. In addition, the redline version also notes EPA's resolution of additional items.

I am pleased to report that EPA Finance has been able to resolve their technical difficulties which had previously prevented the creation of a disc for the back-up cost documentation. Mr. Wilder has drafted the confidentiality agreement but needs to add the contractor addresses to the agreement. I will be out of the office on business tomorrow and Friday, however, I have asked Mr. Wilder to send the proposed confidentiality agreement to you as soon as he adds the addresses. EPA will overnight you the disc as soon as the parties execute the confidentiality agreement.

I look forward to speaking with you on Monday.

Thank you.
Mark

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]
Sent: Tuesday, August 25, 2015 5:30 PM
To: Chalfant, Mark
Cc: Cirian, Mike; Wilder, Scott; John.Stroiazso@glencore-ca.com; Steve Wright - CFAC; abaris@rouxinc.com
Subject: CFAC Anaconda-Revised Redline AOC After 8_25 Teleconference

Dear Mark,

Thanks for a productive call today. Following up on our teleconference, attached please find a revised AOC with CFAC comments to the following sections:

Paragraph 4. Although this proposed language is not something that we discussed in our call, we believe that it is consistent with our statements regarding the EPA Findings of Fact.

Definition of "Paragraph"

Paragraphs 16, 17, 18 and 19 per our discussion and

Paragraph 42.b. and 45. b. to reflect our agreement on that language.

Please feel free to contact me if you have any questions or would like to discuss.

Best regards,

Andrew

Andrew D. Otis
Partner
Curtis, Mallet-Prevost, Colt & Mosle LLP
101 Park Ave
New York, NY 10178-0061
Phone: (212) 696 - 6907
Fax: (917) 368 - 7307
www.curtis.com
Skype: Andrew.Otis



Before printing this e-mail, please consider the impact on the environment.

This e-mail, including any attachments, may contain information that is protected by law as privileged and confidential, and is transmitted for the sole use of the intended recipient. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying or retention of this e-mail or the information contained herein is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by telephone or reply e-mail, and permanently delete this e-mail from your computer system. Your privacy is very important to our firm. Therefore, if this message contains unsolicited commercial content, you may forward this e-mail to unsubscribe@curtis.com or click here (www.curtis.com/unsubscribe.htm) if you do not want to receive further messages of this nature. Thank you.

